

Appl. No. : 10/629,315  
Filed : July 28, 2003

### REMARKS

The Applicants wish to thank the Examiner for allowing Claims 1-14, 16, and 19. The Applicants have herein amended Claim 15 to remove the diver limitation. Claims 17 and 18 have been amended to specify that the headset "further comprises" the recited wireless communication link and battery. Claims 1-21 remain pending in the application. The Applicants have carefully considered all of the Examiner's rejections and remarks but respectfully submit that all of the claims are allowable for at least the following reasons.

#### Rejection under § 112 – Indefiniteness

The Examiner rejected Claim 15 because the recited "diver" lacked antecedent basis. The Applicants have removed the "diver" limitation, thereby obviating the Examiner's rejection.

#### Objections to Claims 17, 18, 20, and 21

The Examiner objected to Claims 17, 18, 20, and 21 because the Examiner asserted that the previously recited "enclosure comprises" should be changed to "enclosure includes inside." The Applicants have amended Claims 17 and 18 to specify that the headset "further comprises" the recited wireless communication link and battery. This language clarifies what Applicants intend as their invention. Although the wireless communication link and battery can be included within the enclosure, they do not need to be. For example, with reference to Figure 4 and paragraph 81 of the specification, a wireless communication link and battery are exemplified as not being within the same housing as the speakers.

With respect to Claim 20, the Applicants respectfully submit that the "enclosure compris[ing]" an o-ring best describes what they consider as their invention. For example, with reference to Figures 11A-11C and paragraph 82 of the specification, o-rings are positioned between two parts of the speaker enclosure, for example between a housing base and a housing lid, in order to ensure a waterproof seal. The o-rings together with the housing base and housing lid comprise one non-limiting example of a waterproof enclosure. Thus, it is more accurate to describe the enclosure as "comprising" the o-ring, as in Claim 20, than the o-ring being within the enclosure.

#### Information Disclosure Statement

The Applicants note that while the Examiner signed the bottom of the Information Disclosure Statement submitted on September 22, 2004, the Examiner did not initial each reference listed, thereby indicating that he had considered the references. The Applicants

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respectfully request the Examiner to initial each reference and provide Applicants with a copy of the initialed Information Disclosure Statement.

### **CONCLUSION**

The Applicants respectfully submit that by the foregoing amendments and remarks they have overcome all rejections and objections and request a timely issuance of a Notice of Allowance.

Applicants invite the Examiner to call the undersigned if any issues may be resolved through a telephonic conversation.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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Dated:

March 2, 2005

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